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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/742,576 | 12/20/2000 | Shigeru Eiho | 55495(904) | 8513 |

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EXAMINER

HERNANDEZ, NELSON D

| ART UNIT | PAPER NUMBER |
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2612

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,576

Applicant(s)

EIHO ET AL.

Examiner

Nelson D. Hernandez

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/7/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 10 objected to because of the following informalities: In line 1, the phrase "An image-processing" should be changed to "An image-processing method".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1, 6, 10, 11, 14, 19, 23 and 24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, lines 3-5, the phrase "obtained by defining the distribution of image data of the original image as a function, from the image data of the original image", is not understood. What is being obtained? Is the sharpening process, the second-order differential or the image processing method?

In line 4-5, how is the second-differential defined? How is the second-order differential related to the distribution of image data of an original image as a function? What is the function? How is the image data relative to pixel? Is the image data the pixel itself?

In line 6-9, how is the first parameter related to the size of the second order differential? Is the size of the second-order differential being subtracted from the image data? Is this the same as subtracting second-differential with respect to pixel?

Re claim 6, lines 3-5, lines 3-5 the phrase "obtained by defining the distribution of image data of the original image as a function, from the image data of the original image", is not understood. What is being obtained? Is the sharpening process, the second-order differential or the image processing method?

In line 4-5, how is the second-differential defined? How is the second-order differential related to the distribution of image data of an original image as a function? What is the function? How is the image data relative to pixel?

Re claim 10, lines 3-5, the phrase "obtained by defining the distribution of image data of the original image as a function, from the image data of the original image", is not understood at what is being obtained. What is being obtained? Is the sharpening process, the second-order differential or the image processing method?

In line 4-5, how is the second-differential defined? How is the second-order differential related to the distribution of image data of an original image as a function? What is the function? How is the image data relative to pixel?

The term "and/or" in line 7 is a relative term which renders the claim indefinite. The term "and/or" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 14, 19 and 23 has substantially the same 112 2nd paragraph problems as claims 1, 6 and 10 above.

Conclusion

Since practically all the claims from 1-26 have substantial 112 2nd paragraph problems that warrant clarifications, claims 1-26 will not be examined on the merits

Art Unit: 2612

because it is nearly impossible to determine the mete and bound of the claims as currently recited.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (703) 305-8717. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NDHH
April 14, 2004

Nelson D. Hernandez
Examiner
Art Unit 2612

VULE
PRIMARY EXAMINER